United Nations S/2004/774

Security Council

Distr.: General
30 September 2004
English
Original: French

Draft resolution

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States of the region,

Reaffirming its support for the process of the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), *welcoming* the efforts made to date for its implementation by the Government of National Unity and Transition, and *calling on* all the Congolese parties to honour their commitments in this regard, in particular so that free, fair and peaceful elections can take place within the agreed time frame,

Deeply concerned by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, and by the grave violations of human rights and of international humanitarian law that accompany them,

Recalling that all the parties bear responsibility for ensuring security with respect to the civilian populations, and *recalling in particular* in this regard its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003) and 1539 (2004) on children in armed conflict, and 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict,

Taking note of the third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), dated 16 August 2004 (S/2004/650), and of its recommendations,

Taking note of the letter of the Secretary-General dated 3 September 2004 (S/2004/715),

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 March 2005;

2. *Requests* the Secretary-General to arrange the rapid deployment of additional military capabilities for MONUC in accordance with the recommendation contained in his letter dated 3 September 2004, and, beyond, to deploy as soon as possible in the provinces of North and South Kivu all the brigades and appropriate force enablers;

3. *Authorizes* the increase of MONUC's strength by 5,900 personnel, including up to 341 civilian police personnel, as well as the deployment of appropriate civilian personnel, appropriate and proportionate air mobility assets and other force enablers, and *expresses its determination* to keep MONUC's strength and structure under regular review, taking into account the evolution of the situation on the ground;

4. *Decides* that MONUC will have the following mandate:

(a) to deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the Eastern part of the Democratic Republic of the Congo,

(b) to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence,

(c) to ensure the protection of United Nations personnel, facilities, installations and equipment,

(d) to ensure the security and freedom of movement of its personnel,

(e) to establish the necessary operational links with the United Nations Operation in Burundi (ONUB), and with the Governments of the Democratic Republic of the Congo and Burundi, in order to coordinate efforts towards monitoring and discouraging cross-border movements of combatants between the two countries,

(f) to monitor the implementation of the measures imposed by paragraph 20 of resolution 1493 of 28 July 2003, including on the lakes, in cooperation with ONUB and, as appropriate, with the Governments concerned and with the group of experts referred to in paragraph 10 of resolution 1533 of 12 March 2004, including by inspecting, as it deems it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri,

(g) to seize or collect, as appropriate, arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493, and dispose of such arms and related materiel as appropriate,

(h) to observe and report in a timely manner, on the position of armed movements and groups, and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, in particular on the lakes;

5. *Decides* that MONUC will also have the following mandate, in support of the Government of National Unity and Transition:

(a) to contribute to arrangements taken for the security of the institutions and the protection of officials of the Transition in Kinshasa until the integrated police unit for Kinshasa is ready to take on this responsibility and assist the Congolese authorities in the maintenance of order in other strategic areas, as recommended in paragraph 103 (c) of the Secretary-General's third special report,

(b) to contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons,

(c) to support operations to disarm foreign combatants led by the Armed Forces of the Democratic Republic of the Congo, including by undertaking the steps listed in paragraph 75, subparagraphs (b), (c), (d) and (e) of the Secretary-General's third special report,

(d) to facilitate the demobilization and voluntary repatriation of the disarmed foreign combatants and their dependants,

(e) to contribute to the disarmament portion of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, in monitoring the process and providing as appropriate security in some sensitive locations,

(f) to contribute to the successful completion of the electoral process stipulated in the Global and All Inclusive Agreement, by assisting in the establishment of a secure environment for free, transparent and peaceful elections to take place,

(g) to assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations;

6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above;

7. *Decides* that MONUC will also have the mandate, within its capacity and without prejudice to carrying out tasks stipulated in paragraphs 4 and 5 above, to provide advice and assistance to the transitional government and authorities, in accordance with the commitments of the Global and All Inclusive Agreement, including by supporting the three joint commissions outlined in paragraph 62 of the Secretary-General's third special report, in order to contribute to their efforts, with a view to take forward:

(a) Essential legislation, including the future constitution,

(b) Security sector reform, including the integration of national defence and internal security forces together with disarmament, demobilization and reintegration and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms,

(c) The electoral process;

8. *Requests* the Secretary-General to report to the Council within one month of the adoption of this resolution, on reforms necessary to improve the structures of command and control and the management of military information within MONUC, and to rationalize the civilian and police components of MONUC;

9. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

10. *Requests* the Secretary-General to ensure that his Special Representatives for the Democratic Republic of the Congo and for Burundi coordinate the activities of MONUC and ONUB, in particular:

- by sharing military information at their disposal, especially those concerning cross-border movements of armed elements and arms trafficking,
- by pooling their logistic and administrative resources, to an extent that does not prejudice the ability of these missions to carry out their respective mandates, in order to ensure their maximum efficiency and cost-effectiveness,
- and by coordinating, as appropriate, implementation of the national programmes for disarmament and demobilization and repatriation, reintegration and resettlement;

11. *Stresses* the need for the Government of National Unity and Transition to carry out the process provided for by the Global and All Inclusive Agreement, and in particular to implement the recommendations listed in paragraph 54 of the Secretary-General's third special report, including by producing, with the support of MONUC, precise plans and timelines in each of the fields identified;

12. *Calls upon* the Government of National Unity and Transition to cooperate closely with MONUC in establishing three joint commissions on essential legislation, security sector reform and elections, and in implementing the security sector reform, in accordance with paragraph 7 above;

13. *Urges* the Government of National Unity and Transition to continue with determination and rapidity the integration of the security forces, in particular the integration of the armed forces, and *underlines* the importance of regular meetings of the Supreme Defence Council and of its cooperation with the international partners of the Democratic Republic of the Congo, especially with MONUC, as positive signals of the commitment of the Government of National Unity and Transition in this regard;

14. *Urges* the Government of National Unity and Transition to develop without further delay a plan for the disarmament of foreign combatants, and to entrust its implementation to the Armed Forces of the Democratic Republic of the Congo, with the support of MONUC;

15. *Urges* each of the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda, to ensure that its territory is not used to infringe the sovereignty of the others, to realize without further delay the complete normalization of their bilateral relations, and to cooperate actively in assuring security along their common borders, in particular by implementing agreements they have signed for the establishment of joint verification mechanisms with the active participation of MONUC, and *exhorts* them to comply in this regard with the

recommendations listed in paragraph 55 of the Secretary-General's third special report;

16. *Urges* in particular, the Governments of the Democratic Republic of the Congo and Rwanda to work together and with MONUC and the African Union, with a view to removing the threat posed by foreign armed groups, as they have agreed to in the Agreement signed in Pretoria on 30 July 2002 and the Declaration signed in Pretoria on 27 November 2003 and in accordance with the "Terms of Reference" signed in New York on 22 September 2004;

17. *Calls upon* the Government of National Unity and Transition and Congolese officials at all levels to take all necessary steps, while respecting freedom of expression and of the press, to prevent the use of the media to incite hatred or tensions among communities;

18. *Calls upon* the Member States, the international organizations concerned and the community of donors to provide their full support to the transitional process, the extension of State authority throughout the territory and long-term social and economic development, in the Democratic Republic of the Congo, and *encourages* them in this regard to respond positively to the recommendations listed in paragraph 57 of the Secretary-General's third special report;

19. *Strongly condemns* violence and other violations of international humanitarian law and human rights, in particular those perpetrated against civilians, in the Democratic Republic of the Congo, and *demands* that all parties and Governments concerned in the region, including the Government of National Unity and Transition, take without delay all necessary steps to bring to justice those responsible for these violations and to ensure respect for human rights and international humanitarian law, as appropriate with relevant international assistance, as well as to guarantee the security and well-being of the civilian population;

20. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the safety of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

21. *Recalling* its resolution 1502 of 26 August 2003, *reaffirms* the obligation of all parties to comply fully with the rules and principles of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, and *also urges* all those concerned to allow immediate, full and unimpeded access by humanitarian personnel to all people in need of assistance as set forth in applicable international humanitarian law;

22. *Recalls* the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts and, in line with its resolutions 1493 (2003), 1533 (2004) and 1552 (2004), *condemns categorically* the illegal exploitation of the natural resources and other sources of wealth of the Democratic Republic of the Congo, *urges* all States, especially those in the region including the Democratic Republic of the Congo itself, to take appropriate steps in order to end these illegal activities, including if necessary through judicial means, and to report to the Council as appropriate, and *exhorts* the international financial

institutions to assist the Government of National Unity and Transition in establishing efficient and transparent control of the exploitation of natural resources;

23. *Welcomes* the convening of the international conference on peace, security, democracy and development in the Great Lakes region of Africa, with inclusive participation by all the Governments concerned, under the aegis of the African Union and the United Nations, with a view to strengthening stability in the region and working out conditions that will enable each State to enjoy the right to live in peace;

24. *Encourages* all Member States to increase international political engagement in the peace process in the region, as requested in paragraph 57 of the Secretary-General's third report;

25. *Expressing grave concern* at the allegations of sexual exploitation and misconduct by civilian and military personnel of MONUC, *requests* the Secretary-General to continue to fully investigate these allegations to take the appropriate action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, *further encourages* MONUC to conduct training for personnel targeted to ensure full compliance with its code of conduct regarding sexual misconduct, and *urges* troop-contributing countries to take appropriate disciplinary and other action to ensure full accountability in cases of such misconduct involving their personnel;

26. *Requests* the Secretary-General to keep it informed regularly of developments in the situation in the Democratic Republic of the Congo, and to submit to the Council before 28 February 2005 a report on the execution of MONUC's mandate, including an evaluation of the structure and strength of its military, civilian and police components, with a view to their adjustment according to the progress made on the ground and the tasks remaining to be accomplished;

27. *Reiterates its strong support* for the Special Representative of the Secretary-General and MONUC, and for the efforts they continue to make to assist the parties in the Democratic Republic of the Congo and in the region to advance the peace process;

28. *Decides* to remain actively seized of the matter.

United Nations A/59/392–S/2004/775

General Assembly
Security Council

Distr.: General
30 September 2004

Original: English

General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 29 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon from 2 to 23 September 2004 (see annex).

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and intervene against the principles of international law, the resolutions of international legitimacy and your repeated calls for their cessation.

In view of these violations and the stepping-up of Israeli threats against Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from such dangerous acts, which constitute a threat to international security and peace. Lebanon holds Israel fully responsible for any consequences to which those acts may lead.

In drawing your attention to the gravity consequences of such acts, I request to have the present letter and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-52995 (E) 041004

Annex to the letter dated 29 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

From Sept. 2nd to Sept. 8, 2004 -On Sept. 2nd, 2004 at 18:15 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired several bursts of medium machine gun on high sea.

-On Sept. 3rd, 2004 at 23:25 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired several flare shells on high sea.

-On Sept.4th, 2004 at 21:24 hours , Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired five flare shells on high sea.

-On Sept. 5, 2004 at 03:45 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired a flare shell on high sea.

-On Sept. 7, 2004 at 03:50 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired a flare shell on high sea.

-On Sept. 8, 2004 at 03:00 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired three flare shells and at 09:49 hours fired several bursts of medium machine gun on high sea.

From Sept. 3rd to Sept. 8, 2004 -On Sept. 3rd, 2004, between 16:10 and 17:30 hours, Israeli occupation forces positioned in **TALLET ELRADAR** inside **CHEBAA** farms fired several bursts of medium machine gun at the surroundings of this position.

-On Sept. 4th, 2004, at 19:09 hours, Israeli occupation forces positioned in **ELRAMTA** inside **CHEBAA** farms fired several bursts of medium machine gun at the surroundings of this position.

-On Sept. 5th, 2004, at 10:30 hours, Israeli occupation forces positioned in **SAMAQA** inside **CHEBAA** farms fired several bursts of medium machine gun at the surroundings of this position.

-On Sept. 6, 2004, at 17:05 hours, Israeli occupation forces positioned in **TALLET ELRADAR** inside **CHEBAA** farms fired several bursts of medium machine gun at the surroundings of this position.

-On Sept. 7, 2004, between 22:30 and 22:40 hours, Israeli occupation forces positioned in **RWEISET ALALAM** inside **CHEBAA** farms fired three flare shells and raked by fire the surroundings of this position.

-On Sept. 8, 2004, at 23:10 hours, Israeli occupation forces positioned in **RWEISET ALALAM** inside **CHEBAA** farms fired several bursts of medium machine gun at the surroundings of this position.

On Sept. 9, 2004 -On Sept. 9, 2004 at 07:30 – 10:44 and 12:50 hours, Israeli gun boat in the Lebanese territorial water facing RAS-NAQOURA fired several bursts of medium machine gun on high sea.

On Sept. 10, 2004 -On Sept. 10, 2004 at 05:30 hours, Israeli gunboat in the Lebanese territorial water facing RAS-NAQOURA fired three flare shells and several bursts of medium machine gun on high sea.

- Between 10:15 and 10:25 hours, Two Israeli helicopters violated the Lebanese airspace at a medium altitude over **CHEBAA** farms.

On Sept. 13 , 2004 - Between 05:55 and 09:40 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude and entered from above the sea facing **TYRE** and flew in a circular motion over **TYRE – SAIDA** and **NABATIE**.

-Between 11:40 and 12:25 hours, Four Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above the sea facing **SAIDA**, headed to **ELCOUF – BCHARRE – CHEKAA – AARSAL**, and flew in a circular motion over **CHEKA - JBEIL**.

-Between 11:50 and 12:25 hours, Four Israeli warplanes violated the Lebanese airspace at a high altitude and entered from above the sea facing **JBEIL** and flew in a circular motion over **CHEKAA - JBEIL**.

-Between 18:30 and 18:45 hours, Two Israeli helicopters violated the Lebanese airspace at a medium altitude over **CHEBAA** farms.

On Sept. 14 , 2004 -On Sept. 14, 2004 between 01:50 and 06:15 hours, Israeli gunboat in the Lebanese territorial water facing **RAS-NAQOURA** fired three flare shells and several bursts of medium machine gun on high sea and at 21:24 hours fired a flare shell on high sea.

- Between 09:37 and 12:30 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude and entered from above the sea facing **TYRE** and flew in a circular motion over **TYRE – SAIDA** .

-Between 10:55 and 11:25 hours, Two Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above the sea facing **SAIDA**, headed to **ELCHOUF – HERMEL** and flew in a circular motion over **HERMEL-BCHAREE-EHDEN** then headed west and flew in a circular motion over **CHEKAA** and left from above **SAIDA** toward the sea.

-Between 11:00 and 11:25 hours, Four Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above the sea facing **JBEIL** headed east to **HERMEL** and flew in a circular motion over **HERMEL-BCHAREE-EHDEN** then headed west and flew in a circular motion over **CHEKAA** then left from above **JBEIL** toward **SOUTH LEBANON** over the sea.

On Sept. 19 , 2004 - Between 10:30 and 10:50 hours, two Israeli helicopters violated the Lebanese airspace at a medium altitude over **CHEBAA** farms .

-Between 14:55 and 17:55 hours, Israeli drone plane violated the Lebanese airspace and entered from above **RMAICH** village, headed to **SAIDA**, returned south and flew in a circular motion over **SAIDA – TYRE MAARAKE** and **QANA**.

On Sept. 20 , 2004 - Between 06:55 and 10:45 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude and entered from above the sea facing **SARAFAND**, headed east and flew in a circular motion over **HABBOUCH** village.

On Sept.21 , 2004 -Between 13:00 and 13:50 hours, Four Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above **CHEBAA** farms, headed north, returned south and flew in a circular motion over **BENT-JBEIL**.

-Between 13:06 and 13:50 hours, Two Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above the sea facing **TYRE**, headed east and left at 13:18 hours from above the sea facing **CHEKAA**, then returned at 13:27 hours to **BEIRUT** and headed south.

-Between 13:18 and 14:05 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude and entered from above **YAROUN** and flew in a circular motion over **BENT JBEIL – AITAROUN – ALMA ELCHAB – RMEICH**.

-Between 14:05 and 18:00 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude over **CHEBAA**, headed north and flew in a circular motion over **HASBAYA**.

-Between 23:00 and 24:00 hours, Israeli drone plane violated the Lebanese airspace at a medium altitude and entered from above the sea facing **TYRE**, headed to **BEIRUT** and flew in a circular motion over **SAIDA – KHALDE**.

On Sept.22 , 2004 -Between 11:00 and 11:20 hours, Two Israeli warplanes violated the Lebanese airspace at different altitudes and entered from above the sea facing **SARAFAND**, headed north to **JBEIL** and returned to the south over **HAMANA – SADIYATE** and left from above **NAQOURA** toward the sea.

United Nations A/ES-10/283–S/2004/776

General Assembly
Security Council

Distr.: General
30 September 2004

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 30 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The Israeli occupying forces have invaded the northern Gaza Strip, committing yet more war crimes and acts of State terrorism against the Palestinian population in the area. According to the Israeli Defence Minister, Israel, the occupying Power, intends to continue with what it is calling a "large scale and prolonged operation" that began yesterday in northern Gaza. While the occupying forces have been repeatedly launching military attacks in the area, particularly during recent weeks, the presence and attacks of the occupying forces have intensified, causing a sharp rise in the death toll and extensive destruction in the area. Indeed, during this most recent raid, the Israeli occupying forces have used a large contingent of troops in tanks, armoured vehicles and bulldozers to launch consecutive attacks against the civilian population in Beit Lahiya, Beit Hanoun and the Jabiliya refugee camp.

Thus far, over the past two days, in Gaza alone, the occupying forces have killed at least 33 Palestinians, including several children, and as a result of the excessive and indiscriminate use of force, more than 100 other civilians have been injured, many of them critically. In one instance, it has been reported that an Israeli tank shot at a gathering of Palestinians, instantly killing at least nine people and wounding many more. Widespread damage and destruction has also been caused by the occupying forces, particularly in the densely populated Jabiliya refugee camp, where tanks and bulldozers have been used to destroy homes and buildings and to forcibly widen the narrow street leading into the camp to facilitate the military operations of the occupying Power in this civilian area, an act bitterly reminiscent of the extensive destruction and the massacre committed by the occupying forces in the Jenin refugee camp in April 2002.

These latest developments make it starkly apparent that Israel, the occupying Power, intends to continue with its bloody military attacks and operations against the civilian population in the Occupied Palestinian Territory, including East Jerusalem, further fuelling the vicious cycle of violence and ensuring the continued grave deterioration of the situation on the ground. This decline of an already fragile

04-53070 (E) 011004

and perilous situation makes it imperative for the international community to respond quickly. There must be a firm condemnation of the killings and of the widespread destruction wrought by the Israeli occupying forces and a clear demand for an immediate end to attacks and an immediate withdrawal of the occupying forces.

The present letter is in follow-up to our previous 201 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 27 September 2004 (A/ES-10/282-S/2004/761), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000, which has now regrettably surpassed its fourth year. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my deepest regret to inform you that, in just the past three days since my last letter to you, at least 39 more Palestinians, including several children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,297 Palestinians. (The names of the martyrs that have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 30 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 28 September 2004, to Thursday, 30 September 2004)

Tuesday, 28 September 2004

1. Salah Ibrahim Bilalo
2. Mohammed Nasser Nafea' Bazoor (18 years old)
3. Ismail Abdelhady Al-Saafeen

Wednesday, 29 September 2004

1. Tawfiq Mohammed Al Sherafi
2. Saned Mohammed Abu Aleish (13 years old)
3. Ahmed Abdelfattah Madi (17 years old)
4. Mohammed Talal Hussein Jabr (16 years old)
5. Mahdi Salah Qasem Abu Khalifeh
6. Rateb Ahmed Qasem Taleb
7. Mohammed Ibrahim Abdallah Al-Bytar
8. Musa'b Mahmoud Al Bara'di
9. Fathi Al Sawareen
10. Khalil Abu Naji

Thursday, 30 September 2004

1. Ra'fat Rafiq Jaballah
2. Sufian Shafiq Abu Jidyan
3. Mohammed Yussef
4. Abdelhaiy Al-Najjar
5. Osama Mohammed Al-Birsh
6. Hazem Hussein Farajallah
7. Mohammed Abdel Kerim Al Ja'beer
8. Abdallah Mohammed Shalheh (15 years old)
9. Hamza Ahmed
10. Atef Jamal Al-Ashqar
11. Mohammed Jameel Al-Ostaz
12. Mohammed Al Masri
13. Yussef Libd
14. Ramzi Tayseer Al-Bahtini
15. Abdallah Abu Odeh (16 years old)
16. Ra'ed Al Omeri (18 years old)
17. Sowaylem Al Mela'yeh (12 years old)
18. A'ed Al Najjar (12 years old)

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,297.

19. Ramy Abu Namoos
20. Mohammed Mahmoud Abu Haseereh
21. Hamdy Asa'd Ahmed
22. Araffat Kamal Yassin
23. Yehia Hamad
24. Mahmoud Mohammed Abu Jidyan
25. Tamer Abdel Aziz Abu Shukyan (14 years old)

United Nations S/2004/777

Security Council

Distr.: General
1 October 2004

Original: English

Report of the Secretary-General pursuant to Security Council resolution 1559 (2004)

I. Introduction

1. The present report is submitted pursuant to resolution 1559 (2004) adopted on 2 September 2004 by the Security Council. In paragraph 7 of that resolution, the Council requested that I report within 30 days on the implementation by the parties of that resolution.

II. Background

2. From 1975 to 1990, Lebanon suffered a tragic and bloody civil war that resulted in the deaths of an estimated 120,000 people. Much of the fighting in that war was carried out by militias that corresponded to Lebanon's confessional communities. Various Palestinian militant groups also took part in the violence. Over the years, at various times, France, Italy, the Libyan Arab Jamahiriya, Yemen, Saudi Arabia, the Sudan, the Syrian Arab Republic, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America deployed forces in Lebanon at the request of its Government to bring the fighting to an end and to stabilize the situation. Israel carried out frequent military operations during this period, including shellings, air attacks, two large-scale incursions into Lebanon and an extended occupation of the southern part of the country.

3. The Security Council has been engaged in the issue since 1978 and has adopted 76 resolutions that called, inter alia, for an end to violence, the protection of civilians, respect for Lebanese sovereignty, the withdrawal of Israeli forces from Lebanese territory and the extension of Lebanese authority throughout the country's territory.

4. The Syrian Arab Republic first deployed troops in Lebanon in May 1976, at the request of Lebanese President Franjieh. In October 1976, the League of Arab States established the Arab Deterrent Force (ADF) to keep the peace in Lebanon. In the Force, the Syrian Arab Republic was joined by the Libyan Arab Jamahiriya, Yemen, Saudi Arabia, the Sudan, and the United Arab Emirates. Syrian forces constituted the majority of ADF troops, accounting at initial deployment for approximately 27,000 of its total strength of 30,000.

04-53135 (E) 051004

5. After a Palestinian attack in northern Israel that had resulted in the deaths of over 30 civilians, Israel carried out a major military operation in southern Lebanon in March 1978. The Security Council adopted resolution 425 (1978), calling upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory. Also, in March 1978, pursuant to Council resolutions 425 (1978) and 426 (1978), the United Nations Interim Force in Lebanon (UNIFIL) was deployed with three purposes as set forth in resolution 425 (1978): (a) confirming the withdrawal of Israeli forces; (b) restoring international peace and security; and (c) assisting the Government of Lebanon in ensuring the return of its effective authority in the area. The UNIFIL mandate has been regularly renewed, most recently on 29 July 2004 through Security Council resolution 1553 (2004).

6. In June 1982, Israel launched an invasion of Lebanon, the trigger for which was an assassination attempt on the Israeli ambassador to the United Kingdom. The United States took the lead in achieving an agreement in August 1982 for the evacuation of Palestinian forces from Beirut and the deployment of a Multinational Force (MNF) to oversee the evacuation. France, Italy and the United States provided troops to the Multinational Force, and the evacuation was completed by September 1982. MNF forces withdrew from Lebanon later in September.

7. After the assassination of Lebanese president-elect Bashir Gemayel in mid-September 1982, followed by an Israeli incursion into west Beirut and the criminal massacre of Palestinians in the Sabra and Shatila refugee camps by Phalangist militias in late September, the Multinational Force returned to Lebanon. Forces from the United Kingdom joined the original three members of the Force. The Security Council adopted resolution 520 (1982) on 17 September 1982, in which it condemned the Israeli incursion into Beirut, demanded a return to the positions occupied by Israel before 15 September and called for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the deployment of the Lebanese Army throughout Lebanon. In May 1983, representatives of Israel, Lebanon and the United States reached an agreement intended to lead to the withdrawal of Israeli forces and the establishment of a "security region" in southern Lebanon. On 23 October 1983, 241 United States Marines and 56 French paratroopers were killed in twin suicide bombings. Against a backdrop of rising violence, the Government of Lebanon cancelled its agreement with Israel in March 1984. The Multinational Force withdrew in April of that year.

8. On 22 October 1989, as a result of efforts by the League of Arab States, members of the Lebanese Chamber of Deputies, meeting in Taif, Saudi Arabia, agreed to the Taif Agreement. The Agreement called for national reconciliation and for "spreading the sovereignty of the State of Lebanon over all Lebanese territory" through a one-year plan that included the "disbanding of all Lebanese and non-Lebanese militias". The militias' weapons were to "be delivered to the State of Lebanon within a period of six months". In the agreement, Lebanon thanked the Syrian Arab Republic for the assistance provided by its forces to enable the Lebanese Government to extend its authority throughout Lebanon "within a set period of no more than two years". At the end of that period, the two Governments were to decide on the redeployment of the Syrian forces in the region of the Bekaa as far as the line Hammana-Mdairej-Ain Dara and, in case of need, at other points to be determined by a joint Lebanese-Syrian military committee. The two

Governments were also to conclude an agreement to "determine the strength and duration of the presence of Syrian forces in those areas and to define these forces' relationship with the Lebanese State authorities where the forces are present". The Syria-Lebanon Treaty of Cooperation of May 1991 reiterated this provision.

9. Over the years, the Security Council maintained its commitment to Lebanon's territorial integrity, sovereignty and independence. The Secretariat worked to persuade Israel to withdraw from southern Lebanon. In April 2000, I received formal notification from the Government of Israel that it would withdraw its forces from Lebanon by July 2000. On 25 May 2000, the Government of Israel notified me that Israel had redeployed its forces in compliance with Council resolutions 425 (1978) and 426 (1978). On 16 June, I reported to the Council that Israel had withdrawn its forces in accordance with resolutions 425 (1978) and 426 (1978) and had met the requirements set out in my 22 May report (S/2000/460) to the Council. I informed the Council that Lebanon had started to re-establish its authority in the area and was considering deploying its armed forces in southern Lebanon. On 18 June, the Council welcomed my report and confirmed my conclusions.

III. Security Council resolution 1559 (2004)

10. On 2 September 2004, the Security Council adopted resolution 1559 (2004) which reiterated the Council's strong support for the territorial integrity, sovereignty and political independence of Lebanon. It called upon all parties concerned to cooperate fully and urgently with the Council for the full implementation of that and other relevant Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon. In addition, in its resolution 1559 (2004), the Council:

(a) Called upon all remaining foreign forces to withdraw from Lebanon;

(b) Called for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

(c) Supported the extension of the control of the Government of Lebanon over all Lebanese territory;

(d) Declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence.

The Council also reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

11. The Governments of Lebanon and the Syrian Arab Republic submitted to the President of the Security Council and to me letters (A/58/879-S/2004/699 and A/58/883-S/2004/706, respectively) regarding the resolution.

A. Foreign forces deployed in Lebanon

12. Security Council resolution 1559 (2004) calls for the withdrawal of all remaining foreign forces from Lebanon. Apart from the United Nations Interim

Force in Lebanon (UNIFIL), to the best of our ability to ascertain, the only significant foreign forces deployed in Lebanon, as of 30 September 2004, are Syrian.

13. As I have described, the Syrian Arab Republic has maintained forces in Lebanon since 1976. The troops were initially deployed at the request of Lebanese President Franjieh. That deployment was transformed into an Arab Deterrent Force sanctioned by the League of Arab States, at the request of the Government of Lebanon, and was joined by troops from other Arab countries. The Governments of both Lebanon and the Syrian Arab Republic have told me that the Syrian forces present in Lebanon — which at one point numbered 40,000, according to the Government of Lebanon — are there at the invitation of Lebanon and that their presence is therefore by mutual agreement. Specifically, they are said to be deployed pursuant to the Taif Agreement of 1989 and the Syria-Lebanon Treaty of Cooperation ratified by both countries in 1991. As far as I am aware, the two Governments have not, to date, concluded the further agreement "to determine the strength and duration of the presence of Syrian forces" that is provided for in both those instruments.

14. In addition to the uniformed armed forces the Syrian Arab Republic has deployed in Lebanon, the Syrian Government has informed the United Nations that there is also a substantial presence of non-uniformed military intelligence officials that, it says, are usual components of military units. These officials, together with the uniformed forces, constitute the full Syrian troop strength.

15. The Syrian military and intelligence apparatus in Lebanon had not been withdrawn as of 30 September 2004. However, according to announcements by the Lebanese and Syrian Governments, the Syrian Arab Republic has in recent weeks redeployed approximately 3,000 of its forces formerly deployed south of Beirut. It has not been made clear to the United Nations whether these redeployments are confined to regular troops or include non-uniformed military intelligence, and whether they have all returned to the Syrian Arab Republic. According to the parties, this is the fifth such redeployment since the signing of the Taif Agreement.

16. The Syrian Government has indicated to me that a total of about 14,000 Syrian troops remains in Lebanon. It says that a majority of these forces are now based near the Syrian border and that they are not deployed deep inside Lebanon. The Lebanese and Syrian Governments have told me that the timing of further withdrawals would be determined by the security situation in Lebanon and the region and through the joint military committee established pursuant to the Taif Agreement.

17. The Government of Lebanon has further informed me that the current fragile security situation in the region, and its concern regarding potential risks to Lebanon's domestic stability, render it difficult to establish a timetable for the full withdrawal of Syrian forces. The Government of Lebanon has stated to me that its ultimate goal is the complete withdrawal of all foreign forces from Lebanese territory. In addition, the two Governments have told me that they are actively discussing the nature and extent of the current deployment of Syrian forces in Lebanon. In this context, the Government of the Syrian Arab Republic has informed me that it cannot provide me with numbers and timetables for any future withdrawal.

B. Lebanese and non-Lebanese militias

18. Security Council resolution 1559 (2004) calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias. Since the end of the civil war, the Government of Lebanon has made great strides in significantly reducing the number of militias present in Lebanon. Nevertheless, as of 30 September 2004, several armed elements remain in the South. The Government of Lebanon has told me that it intends that all irregular armed groups should ultimately be disarmed and disbanded.

19. The most significant remaining armed group is Hezbollah. The Government of Lebanon objects to the characterization of Hezbollah as a Lebanese militia, and refers to it as a "national resistance group" that has as its goal the defence of Lebanon from Israel and the removal of Israeli forces from Lebanese soil, namely, the Shab'a farms. Lebanon maintains that the Shab'a farms are Lebanese territory, not Syrian. However, in my report of 16 June 2000 (S/2000/590), I had confirmed that Israel had fulfilled as of that date the requirements of Security Council resolutions 425 (1978) and 426 (1978) that it "withdraw forthwith its forces from all Lebanese territory". The Council endorsed this conclusion in the statement made on behalf of the Council by its President (S/PRST/2000/21), on 18 June 2000. Notwithstanding the Government of Lebanon's position that the Shab'a farms area lies within Lebanon, the Government has confirmed that it would respect the Blue Line as identified by the United Nations. The Council noted this in the statement by the President on 18 June 2000, and both in that statement and in subsequent resolutions, has called upon Lebanon to respect the commitment that it has made to respect fully that line.[1]

20. As of 30 September 2004, United Nations staff on the ground had not discerned any change in the status of Hezbollah since the adoption of resolution 1559 (2004). In this connection, the Government of Lebanon has informed me that the fragile security situation in the region, the risk to Lebanon's stability and the lack of a comprehensive regional peace process would make it difficult to implement the resolution immediately and fully.

21. Regarding Palestinian armed groups, the Government of Lebanon has given me assurances that Palestinian militants are not allowed to leave their refugee camps with weapons. United Nations personnel in the region have indicated that the Government of Lebanon has positioned the Lebanese armed forces outside the camps, apparently to enforce this policy. The Government has told me that the security situation in the camps makes it inadvisable for its forces to enter the camps to disarm the militants. The Government of Lebanon expresses particular concern regarding the presence of a large Palestinian refugee population on its territory and Lebanese public discussion regularly raises fears that this community might be settled permanently in Lebanon. The Government insists that a final Middle East settlement should contain provisions for the resettlement of these refugees.

C. Extension of Lebanese government control over all Lebanese territory

22. Security Council resolution 1559 (2004) declares Council support for the extension of the control of the Government of Lebanon over all Lebanese territory.

Since the end of the civil war, Lebanon has deployed some security forces in the southern part of the country, in accordance with relevant Council resolutions and the Taif Agreement. However, as of 30 September 2004, the Government of Lebanon had not extended its control over all of its territory.

23. Although Lebanon held peaceful municipal elections in the south in May 2004, the area around the Blue Line remains tense. The calm that followed the withdrawal has too often been shattered by violence. The Lebanese army has not deployed along the Blue Line. UNIFIL has reported that there have been violations from both sides of the Blue Line; on the Lebanese side, they have come from Hezbollah and Palestinian groups. Hezbollah operations have frequently violated the Blue Line. It is widely asserted that Hezbollah operations are carried out independently of Lebanese government control or sanction. I have previously urged the Government of Lebanon to exert control over the use of force on its entire territory and to prevent all attacks from its territory across the Blue Line.

24. More than four years after the Israeli withdrawal from the south of Lebanon, movement in the region remains restricted. Hezbollah has established checkpoints throughout southern Lebanon. Movements of Lebanese officials, UNIFIL personnel and diplomats are hindered at times by armed elements.

25. The Government of Lebanon has stated to me that it is constrained in its ability to deploy its forces in parts of southern Lebanon by the terms of the Israeli-Lebanese General Armistice Agreement of 23 March 1949, which set limits to the numbers and types of military forces the parties might deploy in the region of the boundary between the two countries. According to the Government, it has deployed in the region the full complement of 1,500 troops permitted to it by that Agreement.

D. Presidential election process

26. Resolution 1559 (2004) declares the Security Council's "support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence". Lebanese President Lahoud's term in office was to have expired in November 2004. According to the Lebanese Constitution, the Chamber of Deputies is required to meet at least a month before the expiration of the president's term to elect a successor. The Constitution allows for a single six-year term for the president, with a possibility of a return to office only after the passage of six years.

27. On 3 September 2004, less than 24 hours after resolution 1559 (2004) was adopted, the Chamber of Deputies approved Constitutional Law 585 by a vote of 96 to 29 with three members not present, thereby extending President Lahoud's term by three years. The law stated that "for a one and exceptional time, the mandate of the current President of the Republic will be renewed to three additional years that should end on 23 November 2007". The Government of Lebanon has informed me that this law was adopted in accordance with Lebanese constitutional rules. In 1947 and 1995, the Chamber of Deputies had voted to allow one-time extensions of the terms of sitting presidents. It was widely contended in Lebanon, and asserted by the co-sponsors of resolution 1559 (2004), that the extension of President Lahoud's term in office was the result of a direct intervention by the Government of the Syrian Arab Republic. Ten members of the Chamber of Deputies have tabled a motion in the Chamber to abrogate the law extending President Lahoud's term. Both

the Lebanese and Syrian Governments have denied Syrian influence on the extension.

E. Sovereignty, territorial integrity, unity and political independence of Lebanon

28. In resolution 1559 (2004), the Security Council reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

29. It is widely alleged in Lebanon that the Syrian military presence, including a substantial component of non-uniformed intelligence officials, affords the Syrian Arab Republic considerable leverage over Lebanese domestic affairs. The Governments of Lebanon and the Syrian Arab Republic have denied to me that the Syrian Arab Republic intervenes in Lebanon's internal affairs.

30. Despite the closeness of official ties between Lebanon and the Syrian Arab Republic, it has been noted that the countries have never had formal diplomatic relations. There is no Lebanese diplomatic mission in Damascus, nor is there a Syrian diplomatic mission in Beirut.

31. Since October 2000, Israeli aircraft have regularly violated Lebanese sovereignty by flying into Lebanese airspace, at times crossing the Blue Line. They frequently penetrate deep into Lebanese territory and generate sonic booms over populated areas. The Government of Israel claims that these overflights are carried out for security reasons. Hezbollah anti-aircraft fire has fallen across the Blue Line into Israel. Such fire has caused Israeli casualties.

32. I, and my representatives in the region, have called upon the parties to cease violations of the Blue Line in either direction and refrain from escalatory acts, which have caused casualties on both sides. As we have stated, one violation does not justify another.

IV. Observations

33. Security Council resolution 1559 (2004), pursuant to which this report has been drafted, lays specific requirements on various parties. As will be apparent from this report, I cannot certify that these requirements have been met. While their objections to the resolution are well known, the Governments of Lebanon and the Syrian Arab Republic have assured me of their respect for the Council, and that consequently they will not contest it. The parties have provided me with information and given me certain assurances that are set forth above. I note these assurances and await their fulfilment. I have requested from the parties a timetable for their full implementation.

34. As regards the electoral process, it has long been my strong belief — reiterated most recently at the African Union summit in July of this year — that Governments and leaders should not hold on to office beyond prescribed term limits.

35. Lebanese public opinion appears to be divided over such issues as the Syrian military presence in Lebanon, the constitutional situation as it relates to presidential

elections, and the continued existence of armed groups not under the direct control of the Government. However, many are of the view that full implementation of resolution 1559 (2004) would be in the interest not just of Lebanon, but of the Syrian Arab Republic, too, and of the region and the wider international community. It is time, 14 years after the end of hostilities and four years after the Israeli withdrawal from Lebanon, for all parties concerned to set aside the remaining vestiges of the past. The withdrawal of foreign forces and the disbandment and disarmament of militias would, with finality, end that sad chapter of Lebanese history.

36. As I noted above, the requirements imposed on the various parties as set out in Security Council resolution 1559 (2004) have not been met. In this connection, I remain ready to assist the parties, as needed, in the full implementation of Council resolution 1559 (2004), and, if required, to keep the Council regularly updated with any information in this regard.

37. I continue to look forward to the ultimate achievement of a just, lasting and comprehensive peace in the Middle East.

Notes

[1] Security Council resolution 425 (1978) called upon Israel to "withdraw forthwith its forces from all Lebanese territory" (para. 2).

In my 22 May 2000 report (S/2000/460), I had "set out what the United Nations required of Israel, Lebanon and the Syrian Arab Republic as well as the international community in order for resolutions 425 (1978) and 426 (1978) to be implemented fully" (quoted from para. 4 of the Secretary-General's report of 16 June 2000 (S/2000/590)). The Council endorsed these requirements in the statement by its President on 23 May 2000 (S/PRST/2000/18).

In my report of 16 June 2000 on the implementation of Council resolutions 425 (1978) and 426 (1978), I wrote to "inform the Council that Israel has met the requirements defined" in my earlier report of 22 May and "that Israeli forces have withdrawn from Lebanon in compliance with resolution 425 (1978)" (para. 1 of the report; also para. 40).

On 18 June 2000, the Security Council, through the Statement by its President, endorsed this conclusion:

> "The Security Council welcomes the report of the Secretary-General of 16 June 2000 (S/2000/590) and endorses the work done by the United Nations as mandated by the Security Council, including the Secretary-General's conclusion that as of 16 June 2000 Israel has withdrawn its forces from Lebanon in accordance with resolution 425 (1978) of 19 March 1978 and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460). In this regard, the Council notes that Israel and Lebanon have confirmed to the Secretary-General, as referred to in his report of 16 June 2000 (S/2000/590), that identifying the withdrawal line was solely the responsibility of the United Nations and that they will respect the line as identified."

The Security Council, in resolution 1310 (2000), adopted on 27 July 2000, recalled "in particular its endorsement of the work done by the United Nations as mandated by the Council including the conclusion of the Secretary-General that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the report of the Secretary-General of 22 May 2000". In para. 5 of the resolution, the Council called "upon the parties to respect that line" (referred to as the withdrawal line in para. 4 of the resolution).